

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TEVIN HAYES,

Plaintiff,

v.

HEATHER SHIRLEY, et al.,

Defendants.

No. 1:23-cv-00516-ADA-CDB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION WITHOUT PREJUDICE FOR
FAILURE TO OBEY A COURT ORDER
AND FAILURE TO PROSECUTE

(ECF No. 4)

Plaintiff Tevin Hayes (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action filed under 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 5, 2023, in *Thomas v. Shirley*, Case No. 1:23-cv-00470-BAM (PC), the Court issued an order severing seventeen plaintiffs, including Plaintiff Hayes, from the action. (ECF No. 1.) The Court ordered each severed plaintiff, with certain exceptions, to submit an application to proceed *in forma pauperis* or pay the \$402.00 filing fee within forty-five days. (*Id.* at 5.) Each plaintiff was also ordered to file a personally signed complaint or notice of voluntary dismissal. (*Id.*) The Court warned: “**A Plaintiff’s failure to comply with this order will result in dismissal of that Plaintiff’s individual action.**” (*Id.* (emphasis in original).) Plaintiff failed to comply with the order.

1 On June 9, 2023, the assigned Magistrate Judge issued findings and recommendations to
2 dismiss this action without prejudice for failure to obey a court order and failure to prosecute.
3 (ECF No. 4.) The findings and recommendations were served on Plaintiff and provided him
4 fourteen days to file objections thereto. (*Id.* at 4.) Plaintiff has not filed any objections, and the
5 time do so has passed.

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
7 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings
8 and recommendations to be supported by the record and proper analysis.

9 Accordingly,

- 10 1. The findings and recommendations issued on June 9, 2023, (ECF No. 4), are
11 ADOPTED in full;
- 12 2. This action is DISMISSED, without prejudice, for failure to obey a court order and
13 failure to prosecute; and
- 14 3. The Clerk of Court is directed to close this case.

15
16
17 IT IS SO ORDERED.

18 Dated: July 17, 2023

19
20
21
22
23
24
25
26
27
28


UNITED STATES DISTRICT JUDGE